

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA :  
 : Civil Action WMN-04-3788  
v. :  
 :  
\$5533 U.S. Currency :  
Angelo McCoy :  
 :

MEMORANDUM

On November 30, 2004, the United States filed a forfeiture action in this Court seeking forfeiture of property seized from Angelo McCoy on April 10, 2000. Paper No. 1. McCoy filed an answer to the Complaint on October 3, 2005, arguing that he filed a verified statement of interest in which he claimed an interest in the seized currency in the amount of \$5,533.<sup>1</sup> McCoy alleges that the money was a loan from his Mother, Shirley Johnson. Ans. ¶ 8.

On November 30, 2005, the Court issued a scheduling order that set a summary judgment motions deadline of February 3, 2006, and directed the parties to file a status report by February 13, 2006, if no motions were filed. McCoy filed a motion for summary judgment on December 16, 2005. Paper No. 15. The government did not file its own motion for summary judgment or a status report,

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<sup>1</sup> On December 27, 2004, McCoy sought an extension of time to respond to the government's complaint, which this Court granted on March 4, 2005. On April 18, 2005, the government filed a motion to strike McCoy's claim, which this Court denied on August 24, 2005.

nor did it respond to McCoy's motion. After the deadline had passed, the government failed to return multiple phone calls from chambers concerning the government's position in the present matter. On February 22, 2006, Assistant United States Attorney Philip Jackson advised chambers that a report would be forthcoming in a few days. The Court did not receive such a report.

On March 9, 2006, the Court issued a Show Cause Order granting the government 10 days from the date of the Order to show cause as to why McCoy's motion should not be granted. The Order stated that, "Failure to do so will result in the issuance of an Order granting the Motion for Summary Judgment." Paper No. 17. The government has not responded to the Court's Order and the deadline for doing so has passed. The government has failed to show cause as to why the currency should not be released to McCoy and, as such, this Court will grant McCoy's motion for summary judgment. A separate order consistent with this memorandum will issue.

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/s/

William M. Nickerson  
Senior United States District Judge

Dated: March 27, 2006